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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/020,945

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Jung-Wan Ko

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EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,945

Applicant(s)

KO ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Reconsideration filed on 1/23/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/333,520.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Remarks

1. Applicant's Remarks filed on January 23, 2003 have been fully considered but they are not persuasive.

(a) Applicant states that the prior art of Maruyama fails to disclose the claimed setting of the recording medium to write protection state "upon the finalization for writing on the Lead-in area and Lead-out area" (page 2 of the Remarks, lines 13-15). Accordingly, a finalization is an operation to finally record the Lead-out area and complete the optical disk. In other words, without completing/updating either a Lead-out or a Lead-in area, a recording medium cannot be read. Therefore, Maruyama's archive flag is set upon the completion of updating the Lead-in or Lead-out area;

(b) Applicant states that Maruyama fails to detail that any write protection state of the recording medium is set (page 2 of the Remarks, lines 23-25). Accordingly, Maruyama uses a archive flag to indicate whether the file is erasable or un-erasable (Fig. 17; column 11 last 2 lines, column 12, lines 1-6); and

(c) Applicant states that Maruyama does not disclose the storing of write protection information in the Lead-in area (page 3 of the Remarks, lines 16-17. Accordingly, in claims 1, 4 and 11, Applicant does not claim the write protection information is stored in the Lead-in area. Instead, Applicant

claims the recording medium is set to a write protection state.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1-5, 11, 13 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Maruyama (U.S. Patent 6,385,389).

Maruyama teaches an optical disk having all of the elements and means as recited in claims 1-5, 11, 13 and 14. For example, Maruyama teaches the following:

(a) as in claim 1, a recordable and/or rewritable recording medium 10 (Fig. 1);

(b) as in claim 1, a Lead-in area 27; a Lead-out area 26; and a user data area 28 (Figs. 2A and 2B);

(c) as in claim 1, wherein upon the finalization for writing on the Lead-in area and the Lead-out area has been completed, the recording medium 10 is set to a write protection

state (Archive Flag) ensuring the protection of the data recorded on the recording medium from unwanted overwriting or erasing (Fig. 17, column 19, lines 50-54);

(d) as in claim 2, the recording medium is a disc, satisfying a DVD-R specification (column 5, lines 49 and 50);

(e) as in claim 3, the recording medium is a bare disc not contained in a case of a cartridge (Fig. 1).

4. Method claims 4 and 5, are drawn to the method of using the corresponding apparatus claimed in claims 1 and 2. Therefore method claims 4 and 5 correspond to apparatus claims 1 and 2 are rejected for the same reasons of anticipation (obviousness) as used above. Furthermore, claim 4 also recites the following limitation which is taught in the prior art of Maruyama:

(a) as in claim 4, checking the state of the recording medium (Lead-in area contains information/state such as disc type, laser power and disc name etc. which are being used to control the proper operation of the recording medium).

5. Claims 11, 13 and 14 have limitations similar to those treated in the above rejection, and are met by the references as discussed above. Furthermore, claims 11 and 13 also recite the following limitations which are taught in the prior art of Maruyama:

(a) as in claim 11, a cartridge 11 having a case which receives the recording medium (Fig. 2A); and

(b) as in claim 13, the case 11 does not have a recognition switch for write protection (Fig. 2A).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al. (U.S. Patent 6,385,389) in view of Ito et al. (U.S. Patent 6,243,340).

Maruyama teaches a storage device very similar to that of the instant invention. However, Maruyama does not teach the

following:

(a) as in claims 8 and 12, the case 11 has a recognition switch for write protection.

Ito teaches a DVD-RAM disc cartridge 300 having a write protect operating portion 303 (Fig. 3).

Similar to an overwrite prohibit switch in a magnetic floppy diskette, a DVD type recording medium needs a protective case with a write protection switch to prevent data being accidentally overwritten. Hence, when there is a motivation of preventing error writing on Maruyama's recording medium, it would have been obvious to one of ordinary skill in the art at the time of invention to store Maruyama's recording medium in a cartridge such as Ito's, because Ito's case has a write protection switch which can be enable and does not allow data stored in the medium being overwritten.

Allowable Subject Matter

8. Claims 6, 7, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 6, the prior art of record fails to teach or fairly suggest a write protection method of a recording medium having the following steps:

(a) checking whether a case is set to a write protection state; and

(b) if the state of the recording medium checked in the checking of the state of the recording medium does not match the write protection state of the case, informing a user of the difference.

As in claim 9, the prior art of record fails to teach or fairly suggest a write protection method of a recording medium having the following steps:

(a) determining whether the state of the recording medium matches the write protection state of the write inhibit hole; and

(b) preventing writing of the new data on the recording medium if the state of the recording medium or the state of the write inhibit hole is set to a write protection state.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action

11. Any response to this action should be mailed to:
Commissioner of Patents and Trademarks Washington, D.C. 20231
Or faxed to:

(703) 872-9314 (for formal communications intended for
entry. Or:

(703) 746-6909, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor
(Receptionist).

Any inquiry of a general nature or relating to the status
of this application should be directed to the Group
receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Kim CHU
whose telephone number is (703) 305-3032 between 9:30 am to
6:00 pm, Monday to Friday.

kc 3/26/03

Kim-Kwok CHU
Examiner AU2653
March 26, 2003

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WILLIAM KORZUCH
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